

House Bill 601

By: Representatives Lindsey of the 54th, Willard of the 49th, Teilhet of the 40th, and Ralston of the 7th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding courts, so as to provide for the recusal of certain judges under certain circumstances; to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for qualifying dates for nonpartisan elections; to provide for the full disclosure of certain contributions made to judicial races; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding courts, is amended by revising Code Section 15-1-8, relating to the disqualification of a judge or judicial officer, as follows:

"15-1-8.

(a) For the purposes of this Code section, the term:

(1) 'Influential action' means any:

(A) Cumulative amount of contributions to a judicial candidate, campaign committee, or independent committee, that collectively total an amount greater than the amount permissible pursuant to Code Section 21-5-41 of which such total contributions are in support of or in opposition to a specific judicial candidate; or

(B) The creation of an independent committee for the purpose of providing support or opposition to a specific judicial candidate.

(2) 'Campaign committee' shall have the same meaning as in Code Section 21-5-3.

(3) 'Independent committee' shall have the same meaning as in Code Section 21-5-3.

~~(a)~~(b) No judge or Justice of any court, magistrate, nor presiding officer of any inferior judicature or commission shall:

(1) Sit in any case or proceeding in which he is pecuniarily interested;

(2) Preside, act, or serve in any case or matter when such judge is related by consanguinity or affinity within the sixth degree as computed according to the civil law to any party interested in the result of the case or matter; or

(3) Sit in any case or proceeding in which he has been of counsel, nor in which he has presided in any inferior judicature, when his ruling or decision is the subject of review, without the consent of all parties in interest. In all cases in which the presiding judge of the superior court was employed as counsel before his appointment as judge, he shall preside in such cases if the opposite party or counsel agree in writing that he may preside, unless he declines to do so.

~~(b)~~(c) No judge or Justice of any court, magistrate, nor presiding officer of any inferior judicature or commission shall be disqualified from sitting in any case or proceeding because of the fact that he is a policyholder or is related to a policyholder of any mutual insurance company which has no capital stock.

~~(c)~~(d) Nothing in this Code section shall be construed as applying to the qualifications of trial jurors.

~~(d)~~(e) In all cases in which a part-time judge has a conflict because such judge or his or her partner or associate represents a governmental agency or entity, a subdivision of government, or any other client, the judge will recuse himself or herself or, with the permission of the parties, transfer the case to the state or superior court, but such judge will not otherwise be disqualified or prohibited from serving as attorney for such governmental entities.

(f) A judge or Justice of any court that is elected to such office shall recuse himself or herself from any case before his or her court:

(1) If such judge failed to set up a campaign committee to accept contributions and instead directly solicited contributions from any party or attorney or law firm representing a party in a case pending before his or her court; or

(2) Involving a party or his or her attorney that has made an influential action concerning a campaign of the judge presiding over the party's case during the election of such judge.

It shall be the duty of any party who has made an influential action, or such party's attorney, to serve a notice on the opposing party within ten days of the filing of the last answer in a lawsuit communicating to the opposing party that an influential action may exist that could require the presiding judge to recuse himself or herself. Within ten days of receipt of such notice, opposing counsel shall have the option to move to recuse the judge from the case. Nothing in this subsection shall be interpreted to prevent a judge presiding over a case where an influential action has been made from recusing himself or herself from such case. This subsection shall be applicable to all influential actions

62 occurring within two years after the presiding judge has taken office for his or her current
63 term."

64 **SECTION 2.**

65 Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
66 relating to general provisions regarding selection and qualification of candidates and
67 presidential electors, is amended by revising subsections (c) and (i) of Code Section
68 21-2-132, relating to the filing notice of candidacy, as follows:

69 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking
70 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
71 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
72 names placed on the nonpartisan election ballot by the Secretary of State or election
73 superintendent, as the case may be, in the following manner:

74 (1) Each candidate for county judicial office, the office of judge of the superior court,
75 Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,
76 desiring to have his or her name placed on the nonpartisan election ballot shall file a
77 notice of candidacy, giving his or her name, residence address, and the office sought, in
78 the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in
79 ~~June~~ April immediately prior to the election and no later than 12:00 Noon on the Friday
80 following the fourth Monday in ~~June~~ April, notwithstanding the fact that any such days
81 may be legal holidays; and

82 (2) Each candidate for a ~~county judicial office~~, a local school board office, or an office
83 of a consolidated government, or the candidate's agent, desiring to have his or her name
84 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
85 superintendent no earlier than 9:00 A.M. on the fourth Monday in June immediately prior
86 to the election and no later than 12:00 Noon on the Friday following the fourth Monday
87 in June, notwithstanding the fact that any such days may be legal holidays."

88 "(i) Notwithstanding any other provision of this chapter to the contrary, for general
89 elections held in the even-numbered year immediately following the official release of the
90 United States decennial census data to the states for the purpose of redistricting of the
91 legislatures and the United States House of Representatives, candidates in such elections
92 shall qualify as provided in this subsection:

93 (1) All candidates seeking election in a nonpartisan election shall file their notice of
94 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
95 in order to be eligible to have their names placed on the nonpartisan election ballot by the
96 Secretary of State or election superintendent, as the case may be, in the following
97 manner:

(A) Each candidate for a county judicial office, the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the ~~last Monday~~ third Wednesday in ~~July~~ June immediately prior to the election and no later than 12:00 Noon on the Friday following the ~~last Monday~~ third Wednesday in ~~July~~ June, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for ~~a county judicial office~~, a local school board office; or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July, notwithstanding the fact that any such days may be legal holidays;

(2) All political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the general election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(A) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(B) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(3) Candidates required to file nomination petitions under subsection (e) of this Code section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July immediately prior to the general election and not later than 12:00 Noon on the first Monday in August immediately prior to the general election."

SECTION 3.

Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, is amended by adding a new subsection to and revising subsection (e) of Code Section 21-5-34, relating to disclosure reports, as follows:

"(e) Any person, other than an individual, who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration with the commission in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures and shall open and maintain its campaign depository account in this state. Such persons, other than independent committees, shall also file campaign contribution disclosure reports in the same places and at the same times as required of the candidates they are supporting, but such persons shall not be required to file copies of campaign contribution disclosure reports with local election superintendents as is required of candidates for membership in the General Assembly. The following persons shall be exempt from the foregoing registration and reporting requirements:

(1) Individuals making aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year;

(2) Persons other than individuals making aggregate contributions and expenditures to or on behalf of candidates of \$25,000.00 or less in one calendar year; and

(3) Contributors who make contributions to only one candidate during one calendar year."

"(g.1)(1) Any person domiciled outside this state shall be required to file a registration with the commission in the same manner as is required of campaign committees, shall be required to file disclosure reports with the commission in the same manner as required of independent committees, shall appoint a treasurer domiciled in this state, and shall open and maintain a campaign depository account within this state; provided that one of the following conditions prevails:

(A) The aggregate of all contributions received by the person domiciled outside this state contributed from persons domiciled in this state exceeds 20 percent in total dollar amount of all contributions received by the person domiciled outside this state in a calendar year;

(B) The aggregate of all contributions and expenditures made to or on behalf of candidates domiciled in this state by a person, other than an individual, domiciled outside this state is more than \$500.00 in a calendar year; or

(C) The aggregate of all contributions and expenditure made by a person, other than an individual, domiciled outside this state to an independent committee domiciled in this state is more than \$500.00 in a calendar year.

(2) If a person, other than an independent committee, domiciled in this state receives a contribution of \$500.00 or more from any person domiciled outside this state, the person domiciled in this state shall register and file a disclosure report with the commission. The disclosure report shall contain all of the information mandated pursuant to subsection (b) of this Code section. The disclosure report shall be filed with the commission within two business days of receipt of such contribution if the contribution is received after the last reporting due date and before the election.

(3) No candidate, campaign committee, or person domiciled in this state shall accept any contribution made by a person, other than an individual, domiciled outside of this state unless the requirements of this subsection are met."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.